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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,583	12/10/2001	Giorgio Barzaghi	Q67651	3491

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213

EXAMINER

KNOLL, CLIFFORD H

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/006,583

Applicant(s)

BARZAGHI ET AL.

Examiner

Clifford H. Knoll

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12,14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12,14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This Office Action is responsive to communication filed 1/9/06. Currently claims 1-12 and 14 are pending.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. *Claims 13-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.*

The language of the claims raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Both claims recite performing "steps of the method"... "when said program is run on a computer" which does not positively recite that the program is run or the method performed, but merely recites performing *when* the program is run. Thus the recitation fails to clearly establish the limitation of the claimed method to be an integral part of the claimed invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. *Claims 1-9, 11, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ludtke (US 6496860 B2).*

Regarding claims 1 and 11, Ludtke discloses the method and the apparatus of two or more control units (e.g., col. 3, lines 39-44, "12","13") connected to a master controller (e.g., col. 5, lines 21-24, "media manager") through a common bus (e.g., col. 4, line 42, "IEEE 1394-1395 bus interface and functionality support"), the method comprising the steps of controlling the peripheral units (e.g., col. 3, lines 39-51, "allowing the video cassette recorder to send data to the computer 14 for display"), where each control unit submits information concerning data consumed and provided for, to the master control (e.g., col. 3, lines 32-37, "[i]f a conversion is necessary..."; or col. 9, lines 17-20, "events generated by the device go ... to the event manager 62" teach "information concerning..."), and spontaneously sends a message over the bus whenever data provided varies (e.g., col. 10, lines 24-27, "new\_device" or "user interaction" event).

Regarding claim 2, Ludtke also discloses submitting information comprises the step of each control unit transmitting a structure of its own message of information provided (e.g., col. 9, lines 17-20, "events generated by the device go ... to the event manager 62").

Regarding claim 3, Ludtke also discloses assigning a suitable address to each control unit (e.g., col. 1, lines 60-61, "unique address"; col. 5, lines 45-46, "address of destination").

Regarding claim 4, Ludtke also discloses the spontaneously sending a message comprises a first portion comprising information concerning the control unit that has detected a data variation (e.g., col. 10, lines 24-27, "user interaction"), and information concerning control units that will consume the data in the sent message (e.g., col. 10, lines 2-6, "token value").

Regarding claim 5, Ludtke also discloses where the information concerning the control units that will consume the data comprise a logic address for representing a group of control units consuming the same data item (e.g., col. 9 line 66 – col. 10, line 6; col. 10, lines 21-23, device registration and subsequent invocation constitutes a logic address for each control unit in the group).

Regarding claim 6, Ludtke also discloses a counter provided to each control unit that counts forward at each message sent (e.g., col. 5, lines 47-48, where the time stamp constitutes provision of a counter)

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Regarding claim 7, Ludtke also discloses writing the value of said counter into every message that is sent by said each control unit (e.g., col. 5, lines 47-48, "time stamp").

Regarding claim 8, Ludtke also discloses the sending message has a control bit to control regularity (e.g., col. 11, lines 4-8, "consistent notification mechanism to inform the client application when [isochronous] data is available for processing").

Regarding claim 9, Ludtke also discloses disabling the master controller after having established the communication between said control units (e.g., col. 11, lines 43-60 discusses the establishment of communication in term of a flowchart (Figure 5). If the destination is on the topology map then "bridging" is unnecessary, and if conversion is not needed, then the format converter is unnecessary, thus disabling the master controller as the intermediary).

Regarding claims 13 and 14, Ludtke also discloses the program code and the medium with the program thereon, adapted to perform the steps of the method of claim 1 (e.g., col. 5, lines 22-24; col. 9, lines 56-61).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. *Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke as applied in respective parent claims, in view of Zintel (US 6779004 B1).*

Regarding claims 10 and 12, Ludtke discloses a device manager and event notification system for the devices, but does not expressly mention its application for radio link devices; however Zintel discloses this. Zintel discloses where the peripheral devices are for receiving, transmitting and processing signals in radio link systems (e.g., col. 45, lines 55-67, "device 900 includes a network adapter 908 ... appropriate to the particular network media 910 ... [which] can be any of various wired or wireless network media"). It would have been obvious to one of ordinary skill in the art to combine Zintel with Ludtke because Zintel expands the application of Ludtke's device management and event notification to include devices that process signals in radio link system, thus increasing the functionality and connectivity of the devices that are managed (e.g., col. 1, lines 27-40).

### ***Response to Arguments***

Applicant's arguments filed 1/9/06 have been fully considered but they are not persuasive.

Regarding claim 14, Applicant claims a disembodied algorithm. The recitation of "when said program is run on a computer" does not positively recite that a program is actually run or a method actually performed on a computer; thus the recitation fails to clearly establish the claimed method as an integral part of a tangible invention.

Regarding claim 1, Applicant argues that “components 12 and 13 in Ludtke are not parts of a single control apparatus” (p. 7); however an apparatus is defined as “a set of materials or equipment designed for a particular use” (Merriam Webster’s Collegiate Dictionary, 10<sup>th</sup> ed.). The recitation of a “control apparatus comprising a master controller and said at least two control units” does not distinguish; in particular, the recitation of an apparatus does not distinguish from the system found in Ludtke.

Regarding claim 3, Applicant argues that “physical devices in Ludtke [may] have respective addresses, but claim 3 is describing a bus within a single apparatus” (p. 7); however the distinction of a single apparatus as claimed is treated supra.

Regarding claim 6, Applicant argues that the “claim has been amended to clarify that the claimed counter is not a time counter but a message counter”; however, the claim recites that the counter “counts forward by a predetermined amount”. This recitation does not distinguish from a “time stamp” which also counts forward “a predetermined amount” at each unit of time and therefore reads on the claim.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H. Knoll whose telephone number is 571-272-3636. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**PAUL R. MYERS**  
**PRIMARY EXAMINER**